

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**ONLY AL-KHIDHR**

**PLAINTIFF**

**CIVIL ACTION NO.: 1:07cv1223LG-RHW**

**VERSUS**

**HARRISON COUNTY, MISSISSIPPI BY AND  
THROUGH ITS BOARD OF SUPERVISORS;  
HARRISON COUNTY SHERIFF GEORGE PAYNE,  
IN HIS OFFICIAL CAPACITY;  
SUPERVISOR OF BOOKING CAPTAIN RICK GASTON,  
acting under color of state law,  
CORRECTIONS OFFICER MORGAN THOMPSON,  
acting under color of state law, CORRECTIONS OFFICER  
THOMAS MOORE, acting under color of state law.**

**DEFENDANTS**

**AFFIDAVIT**

PERSONALLY appeared before me, DR. RENNIE W. CULVER, MD, PHD, who, after  
being placed under oath, did depose and state the following to-wit:

1. I am not a convicted felon and am of sound and disposing mind and memory, and  
have personal knowledge to all facts contained in this Affidavit.
2. I was retained by Ian A. Brendel, attorney for Defendant Thompson and  
Defendant Gaston in the above styled cause to conduct an independent medical  
examination of the Plaintiff, Only Al-Khidhr in the above styled cause
3. I personally appeared at the Harrison County Courthouse in Gulfport, Mississippi  
on August 6, 2010 at the time and location set forth in the accompanying Order  
attached hereto as Exhibit "A"
4. The Plaintiff, Only Al-Khidhr failed to appear.



FURTHER AFFIANT SAYETH NOT.

Dr. Rennie W. Culver, MD, PhD  
DR. RENNIE W. CULVER, MD, PHD *Ph.D.*

SWORN TO AND SUBSCRIBED BEFORE ME, THIS 10<sup>th</sup> DAY OF  
August, 2010.

Norma Lear  
NOTARY PUBLIC

My Commission Expires:

June 23, 2013



## EXHIBIT “A”

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acting under color of state law, CORRECTIONS OFFICER  
THOMAS MOORE, acting under color of state law.**

**DEFENDANTS**

**AGREED ORDER TO CONDUCT MENTAL EXAMINATION OF PLAINTIFF**

THIS CAUSE, having come before the Court, *ore tenus*, on Defendant's Gaston and Thompson's motion to conduct the mental examination of Plaintiff pursuant to Federal Rule of Civil Procedure 35 and Local Rule 35.1, and the Court being advised that counsel for Plaintiff is in agreement with this examination of Plaintiff, and the Court being further advised in the premises, is of the opinion that said Motion is well taken and should be granted. It is therefore,

ORDERED AND ADJUDGED, that pursuant to the Court's Case Management Order entered in this cause, the Defendants are permitted to conduct an independent medical examination of Plaintiff pursuant to the following conditions:

Defendant may have a local IME (within subpoena range of Court) with a doctor who has not examined plaintiff. IME must be completed in time to comply with expert designation deadlines.

Pursuant to Federal Rule of Civil Procedure 35 and Local Rule 35.1, the Defendants have

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elected to obtain an independent mental examination of the Plaintiff and has conferred with Plaintiff's counsel regarding an independent mental examination of the Plaintiff. Plaintiff's counsel has agreed to the following conditions of the mental examination of the Plaintiff:

Examiner: Psychiatrist, Dr. Rennie W. Culver, M.D., PhD

Dates: August 6, 2010

Place: Harrison County Courthouse, 1801 23<sup>rd</sup> Ave. Gulfport, MS 39501, 2<sup>nd</sup> Floor in the Attorney/Client Conference Room near the Chancery Courtrooms.

Times: Beginning at 1:00 P.M.

Scope of Examination: See attached Exhibit "A" for scope of examination.

Reimbursement of Plaintiffs Fees to Attend the IME: Pursuant to the Court's instructions, the Defendant's will reimburse the Plaintiff for his reasonable expenses to attend the IME as follows:

- 1). Round trip automobile mileage at the rate of \$0.50 per mile.

**ORDERED AND ADJUDGED**, that Defendant be permitted to proceed with a examination of the Plaintiff pursuant to the terms contained herein.

**SO ORDERED** this the 22nd day of July 2010.

*s/ Robert H. Walker*  
Robert H. Walker  
United States Magistrate Judge

DIPLOMATE, AMERICAN  
BOARD OF PSYCHIATRY  
AND NEUROLOGY

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RENNIE W. CULVER, M.D., PH.D.  
(A MEDICAL CORPORATION)  
4324 LOVELAND STREET  
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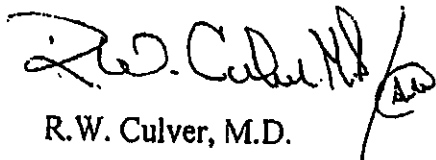
July 14, 2010

Mr. Ian Brendel  
P. O. Box 1839  
Gulfport, Mississippi 39502

Dear Mr. Brendel:

Thank you for requesting that I perform a forensic psychiatric examination of Only Al-Khidhr. An evaluation of this kind consists of a clinical interview of the patient, a review of his legal and medical records, and a written report which synthesizes the information contained in the records and elicited from the interview. The clinical examination itself includes a history of current psychiatric and physical complaints, a comprehensive social history, a history of any medical or psychiatric treatment the patient may have had, a history of any medications, particularly psychotropic, that the patient has taken or is currently taking, a history of any drug and/or alcohol abuse, the legal history of the patient if applicable, information about any military service or experiences the patient may have had, family history (particularly psychiatric), and formal mental status examination.

Very truly yours,

  
R.W. Culver, M.D.

Dictated but not read.